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PTO/SB/21 (04-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/734,562
Filing Date	December 12, 2003
First Named Inventor	MICHLITSCH, KEN
Art Unit	3736
Examiner Name	Unassigned
Attorney Docket Number	021496-002512US

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

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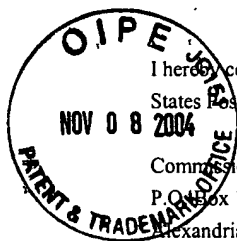
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Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 29,541
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Date	October 21, 2004	

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PATENT
Attorney Docket No.: 021496-002512US
Client Reference No.: USGI-005-2C

On

TOWNSEND and TOWNSEND and CREW LLP

By:

Tiffany Wu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KEN MICHLITSCH et al.

Application No.: 10/734,562

Filed: December 12, 2003

For: APPARATUS AND METHODS
FOR FORMING AND SECURING
GASTROINTESTINAL TISSUE FOLDS

Examiner: Unassigned

Art Unit: 3736

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent documents and non patent literature references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

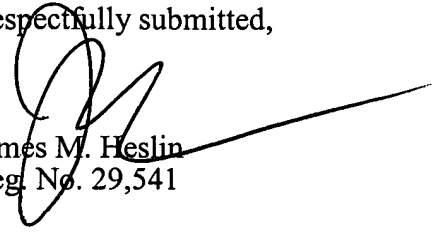
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

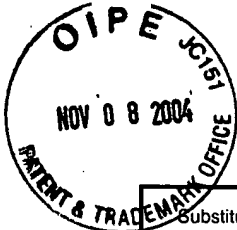
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

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JMH:tfw
60335855 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **13****Complete if Known**

Application Number	10/734,562
Filing Date	December 12, 2003
First Named Inventor	MICHLITSCH, KEN
Art Unit	3736
Examiner Name	Unassigned
Attorney Docket Number	021496-002512US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	616,672	12-27-1898	Kelling	
	2	2,201,610	05-21-1940	Dawson, Jr.	
	3	2,413,142	12-24-1945	Jones et al.	
	4	2,510,198	06-06-1950	Tesmer	
	5	2,533,494	12-12-1950	Mitchell, Jr.	
	6	3,060,972	10-30-1962	Sheldon	
	7	3,096,962	07-09-1963	Meijs	
	8	3,150,379	09-29-1964	Brown	
	9	3,162,214	12-22-1964	Bazinet, Jr.	
	10	3,166,072	01-19-1965	Sullivan, Jr.	
	11	3,168,274	02-02-1965	Street	
	12	3,430,662	03-04-1969	Guarnaschelli	
	13	3,494,006	02-10-1970	Brumlik	
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	15	3,551,987	01-05-1971	Wilkinson	
	16	3,646,615	03-07-1972	Ness	
	17	3,664,345	05-23-1972	Dabbs et al.	
	18	3,753,438	08-21-1973	Wood et al.	
	19	3,858,578	01-07-1975	Milo	
	20	3,867,944	02-25-1975	Samuels	
	21	3,874,388	04-01-1975	King et al.	
	22	3,910,281	10-07-1975	Kletschka et al.	
	23	3,913,565	10-21-1975	Kawahara	
	24	3,974,834	08-17-1976	Kane	
	25	3,976,079	08-24-1976	Samuels et al.	
	26	4,007,743	02-15-1977	Blake	
	27	4,054,128	10-18-1977	Seufert et al.	
	28	4,060,089	11-29-1977	Noiles	
	29	4,069,825	01-24-1978	Akiyama	
	30	4,245,624	01-20-1981	Komiya	
	31	4,366,810	01-04-1983	Slanetz, Jr.	
	32	4,367,746	01-11-1983	Derechinsky	
	33	4,414,720	11-15-1983	Crooms	
	34	4,462,402	07-31-1984	Burgio	
	35	4,494,531	01-22-1985	Gianturco	
	36	4,532,926	08-06-1985	O'Holla	
	37	4,534,350	08-13-1985	Golden et al.	
	38	4,548,202	10-22-1985	Duncan	
	39	4,586,503	05-06-1986	Kirsh et al.	
	40	4,592,339	06-03-1986	Kumak et al.	
	41	4,592,356	06-03-1986	Gutierrez	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
			Application Number	10/734,562
			Filing Date	December 12, 2003
			First Named Inventor	MICHLITSCH, KEN
			Art Unit	3736
Examiner Name	Unassigned			
Sheet 2	of 13	Attorney Docket Number	021496-002512US	

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	42	4,595,007	06-17-1986	Mericle	
	43	4,610,250	09-09-1986	Green	
	44	4,648,733	03-10-1987	Merkt	
	45	4,655,257	04-07-1987	Iwashita	
	46	4,669,473	06-02-1987	Richards et al.	
	47	4,705,040	11-10-1987	Mueller et al.	
	48	4,711,002	12-08-1987	Kreeger	
	49	4,724,840	02-16-1988	McVay et al.	
	50	4,750,492	06-14-1988	Jacobs et al.	
	51	4,765,335	08-23-1988	Schmidt et al.	
	52	4,832,055	05-23-1989	Palestrant	
	53	4,841,888	06-27-1989	Mills et al.	
	54	4,873,976	10-17-1989	Schreiber	
	55	4,890,615	01-02-1990	Caspari et al.	
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	60	5,032,127	07-16-1991	Frazee et al.	
	61	5,035,692	07-30-1991	Lyon et al.	
	62	5,037,433	08-06-1991	Wilk et al.	
	63	5,041,129	08-20-1991	Hayhurst et al.	
	64	5,059,201	10-22-1991	Asnis	
	65	5,088,979	02-18-1992	Filipi et al.	
	66	5,100,418	03-31-1992	Yoon et al.	
	67	5,108,420	04-28-1992	Marks	
	68	5,122,136	06-16-1992	Gugliemi et al.	
	69	5,123,914	06-23-1992	Cope	
	70	5,201,746	04-13-1993	Shichman	
	71	5,203,864	04-20-1993	Phillips	
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	73	5,217,473	06-08-1993	Yoon	
	74	5,222,508	06-29-1993	Contarini	
	75	5,222,961	06-29-1993	Nakao et al.	
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	77	5,224,946	07-06-1993	Hayhurst et al.	
	78	5,234,430	08-10-1993	Huebner	
	79	5,234,445	08-10-1993	Walker et al.	
	80	5,250,053	10-05-1993	Snyder	
	81	5,251,611	10-12-1993	Zehel et al.	
	82	5,254,126	10-19-1993	Filipi et al.	

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60335855 v1

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			Filing Date	December 12, 2003	
			First Named Inventor	MICHLITSCH, KEN	
			Art Unit	3736	
			Examiner Name	Unassigned	
Sheet	3	of	13	Attorney Docket Number	021496-002512US

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	83	5,261,916	11-16-1993	Engelson	
	84	5,268,001	12-07-1993	Nicholson et al.	
	85	5,282,827	02-01-1994	Kensey et al.	
	86	5,284,488	02-08-1994	Sideris	
	87	5,289,817	03-01-1994	Williams et al.	
	88	5,304,184	04-19-1994	Hathaway et al.	
	89	5,304,195	04-19-1994	Twyford, Jr. et al.	
	90	5,304,204	04-19-1994	Bregen	
	91	5,316,543	05-31-1994	Eberbach	
	92	5,327,914	07-12-1994	Shlain	
	93	5,330,503	07-19-1994	Yoon	
	94	5,334,217	08-02-1994	Das	
	95	5,337,732	08-16-1994	Grundfest et al.	
	96	5,337,733	08-16-1994	Bauerfeind et al.	
	97	5,342,376	08-30-1994	Ruff	
	98	5,345,949	09-13-1994	Shlain	
	99	5,348,259	09-20-1994	Blanco et al.	
	100	5,354,298	10-11-1994	Lee et al.	
	101	5,366,459	11-22-1994	Yoon	
	102	5,366,479	11-22-1994	McGarry et al.	
	103	5,372,146	12-13-1994	Branch	
	104	5,372,604	12-13-1994	Trott	
	105	5,374,275	12-20-1994	Bradley et al.	
	106	5,380,334	01-10-1995	Torrie et al.	
	107	5,382,231	01-17-1995	Shlain	
	108	5,395,030	03-07-1995	Kuramoto et al.	
	109	5,403,326	04-04-1995	Harrison et al.	
	110	5,403,329	04-04-1995	Hinchcliffe	
	111	5,417,691	05-23-1995	Hayhurst et al.	
	112	5,417,699	05-23-1995	Klein et al.	
	113	5,425,744	06-20-1995	Fagan et al.	
	114	5,429,598	07-04-1995	Waxman et al.	
	115	5,431,666	07-11-1995	Sauer et al.	
	116	5,433,721	07-18-1995	Hooven et al.	
	117	5,433,727	07-18-1995	Sideris	
	118	5,437,266	08-01-1995	McPherson et al.	
	119	5,437,680	08-01-1995	Yoon	
	120	5,437,681	08-01-1995	Meade et al.	
	121	5,445,167	08-29-1995	Yoon et al.	
	122	5,458,609	10-17-1995	Gordon et al.	
	123	5,462,560	10-31-1995	Stevens	

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			Art Unit	3736	
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Sheet	4	of	13	Attorney Docket Number	021496-002512US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	124	5,462,561	10-31-1995	Voda	
	125	5,465,894	11-14-1995	Clark et al.	
	126	5,470,337	11-28-1995	Moss	
	127	5,470,338	11-28-1995	Whitfield et al.	
	128	5,476,470	12-19-1995	Fitzgibbons, Jr.	
	129	5,478,354	12-26-1995	Tovey et al.	
	130	5,480,405	01-02-1996	Yoon	
	131	5,496,332	03-05-1996	Sierra et al.	
	132	5,496,334	03-05-1996	Klundt et al.	
	133	5,499,991	03-19-1996	Garman et al.	
	134	5,501,691	03-26-1996	Goldrath	
	135	5,507,811	04-16-1996	Koike et al.	
	136	5,520,691	05-28-1996	Branch	
	137	5,520,701	05-28-1996	Lerch	
	138	5,522,843	06-04-1996	Zang	
	139	5,527,321	06-18-1996	Hinchliffe	
	140	5,527,322	06-18-1996	Klein et al.	
	141	5,527,342	06-18-1996	Pietrzak et al.	
	142	5,531,759	07-02-1996	Kensey et al.	
	143	5,531,788	07-02-1996	Dibie et al.	
	144	5,540,704	07-30-1996	Gordon et al.	
	145	5,549,621	08-27-1996	Bessler et al.	
	146	5,558,665	09-24-1996	Kieturakis	
	147	5,562,684	10-08-1996	Kammerer	
	148	5,562,686	10-08-1996	Sauer et al.	
	149	5,562,688	10-08-1996	Riza	
	150	5,569,274	10-29-1996	Rapacki et al.	
	151	5,569,306	10-29-1996	Thal	
	152	5,571,116	11-05-1996	Bolanos et al.	
	153	5,571,119	11-05-1996	Atala	
	154	5,573,496	11-12-1996	McPherson et al.	
	155	5,573,540	11-12-1996	Yoon	
	156	5,573,548	11-12-1996	Nazre et al.	
	157	5,578,045	11-26-1996	Das	
	158	5,582,616	12-10-1996	Bolduc et al.	
	159	5,584,835	12-17-1996	Greenfield	
	160	5,584,859	12-17-1996	Brotz	
	161	5,601,557	02-11-1997	Hayhurst	
	162	5,603,718	02-18-1997	Xu	
	163	5,613,974	03-25-1997	Andreas et al.	
	164	5,613,975	03-25-1997	Christy	

Examiner Signature	Date Considered
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		Number Kind Code ² (if known)			
	165	5,624,381	04-29-1997	Kieturakis	
	166	5,626,588	05-06-1997	Sauer et al.	
	167	5,626,614	05-06-1997	Hart	
	168	5,630,540	05-20-1997	Blewett	
	169	5,632,752	05-27-1997	Buelna	
	170	5,643,274	07-01-1997	Sander et al.	
	171	5,643,295	07-01-1997	Yoon	
	172	5,643,317	07-01-1997	Pavcnik et al.	
	173	5,643,320	07-01-1997	Lower et al.	
	174	5,658,312	08-19-1997	Green et al.	
	175	5,658,313	08-19-1997	Thal	
	176	5,662,587	09-02-1997	Grundfest et al.	
	177	5,662,662	09-02-1997	Bishop et al.	
	178	5,662,663	09-02-1997	Shallman	
	179	5,665,109	09-09-1997	Yoon	
	180	5,665,112	09-09-1997	Thal	
	181	5,667,513	09-16-1997	Torrie et al.	
	182	5,676,674	10-14-1997	Bolanos et al.	
	183	5,679,005	10-21-1997	Einstein	
	184	5,683,417	11-04-1997	Cooper	
	185	5,683,419	11-04-1997	Thal	
	186	5,690,655	11-25-1997	Hart et al.	
	187	5,693,060	12-02-1997	Martin	
	188	5,700,273	12-23-1997	Buelna et al.	
	189	5,702,421	12-30-1997	Schneidt	
	190	5,707,394	01-13-1998	Miller et al.	
	191	5,709,708	01-20-1998	Thal	
	192	5,713,903	02-03-1998	Sander et al.	
	193	5,720,765	02-24-1998	Thal	
	194	5,724,978	03-10-1998	Tenhoff	
	195	5,725,552	03-10-1998	Kotula et al.	
	196	5,732,707	03-31-1998	Widder et al.	
	197	5,741,297	04-21-1998	Simon	
	198	5,749,828	05-12-1998	Solomon et al.	
	199	5,749,893	05-12-1998	Vidal et al.	
	200	5,752,963	05-19-1998	Allard et al.	
	201	5,759,151	06-02-1998	Sturges	
	202	5,766,189	06-16-1998	Matsuno	
	203	5,779,719	07-14-1998	Klein et al.	
	204	5,782,859	07-21-1998	Nicholas et al.	
	205	5,782,865	07-21-1998	Grotz	

Examiner Signature		Date Considered	
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			Application Number	10/734,562	
			Filing Date	December 12, 2003	
			First Named Inventor	MICHLITSCH, KEN	
			Art Unit	3736	
			Examiner Name	Unassigned	
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			Art Unit	3736	
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			Art Unit	3736	
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	435	WO	95/25468	A1	09-28-1995	Swain et al.		<input type="checkbox"/>
	436	WO	99/22649	A2	05-14-1999	Kortenbach		<input type="checkbox"/>
	437	WO	99/51283	A2	10-14-1999	Pauker et al.		<input type="checkbox"/>
	438	WO	99/59664	A1	11-25-1999	Windheuser		<input type="checkbox"/>
	439	WO	00/40159	A1	07-13-2000	Yeung et al.		<input type="checkbox"/>
	440	WO	00/54653	A1	09-21-2000	Adams et al.		<input type="checkbox"/>
	441	WO	00/57796	A1	10-05-2000	Rosenblatt		<input type="checkbox"/>
	442	WO	00/78227	A1	12-28-2000	Laufer et al.		<input type="checkbox"/>
	443	WO	00/78229	A1	12-28-2000	Laufer et al.		<input type="checkbox"/>
	444	WO	01/21246	A1	03-26-2001	Matsuura et al.		<input type="checkbox"/>
	445	WO	01/66001	A2	09-13-2001	Gambale et al.		<input type="checkbox"/>
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			Application Number	10/734,562	
			Filing Date	December 12, 2003	
			First Named Inventor	MICHLITSCH, KEN	
			Art Unit	3736	
			Examiner Name	Unassigned	
Sheet	12	of	13	Attorney Docket Number	021496-002512US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	446	WO	01/66018	A1	09-13-2001	Gambale et al.		<input type="checkbox"/>
	447	WO	01/67964	A3	09-20-2001	Sonnenschein et al.		<input type="checkbox"/>
	448	WO	01/70096	A1	09-27-2001	Butler et al.		<input type="checkbox"/>
	449	WO	01/70097	A1	09-27-2001	Butler		<input type="checkbox"/>
	450	WO	01/85034	A1	11-15-2001	Geitz		<input type="checkbox"/>
	451	WO	01/87144	A1	11-22-2001	Page et al.		<input type="checkbox"/>
	452	WO	01/89370	A2	11-29-2001	Lehman et al.		<input type="checkbox"/>
	453	WO	01/89392	A2	11-29-2001	Jacobs et al.		<input type="checkbox"/>
	454	WO	01/89393	A1	11-29-2001	Gambale		<input type="checkbox"/>
	455	WO	02/00119	A2	01-03-2002	Harvie et al.		<input type="checkbox"/>
	456	WO	02/24080	A2	03-28-2002	Schurr et al.		<input type="checkbox"/>
	457	WO	02/024058	A2	03-28-2002	Sonnenschein et al.		<input type="checkbox"/>
	458	WO	02/024058	A3	03-28-2002	Sonnenschein et al.		<input type="checkbox"/>
	459	WO	02/39880	A2	05-23-2002	McClellan et al.		<input type="checkbox"/>
	460	WO	02/39909	A1	05-23-2002	Sonnenschein et al.		<input type="checkbox"/>
	461	WO	02/064012	A2	08-22-2002	Buehlmann et al.		<input type="checkbox"/>
	462	WO	02/068988	A1	09-06-2002	Sonnenschein		<input type="checkbox"/>
	463	WO	02/069841	A2	09-12-2002	Bonadio et al.		<input type="checkbox"/>
	464	WO	02/085252	A1	10-31-2002	Hlavka et al.		<input type="checkbox"/>
	465	WO	02/094105	A2	11-28-2002	Adams		<input type="checkbox"/>
	466	WO	03/007796	A2	01-30-2003	Laufer et al.		<input type="checkbox"/>
	467	WO	03/007799	A2	01-30-2003	Ritchart		<input type="checkbox"/>
	468	WO	03/090633	A2	11-06-2003	Kortenbach et al.		<input type="checkbox"/>
	469	WO	03/096909	A1	11-27-2003	DiCarlo et al.		<input type="checkbox"/>
	470	WO	03/099137	A2	12-04-2003	Cerier et al.		<input type="checkbox"/>
	471	WO	2004/004544	A2	01-14-2004	Deem et al.		<input type="checkbox"/>
	472	WO	2004/019787	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	473	WO	2004/019788	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	474	WO	2004/021865	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	475	WO	2004/021867	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	476	WO	2004/021868	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	477	WO	2004/021873	A2	03-18-2004	Aznoian et al.		<input type="checkbox"/>
	478	WO	2004/021894	A1	03-18-2004	Stone		<input type="checkbox"/>
	479	WO	2004/049905	A2	06-17-2004	Tartaglia et al.		<input type="checkbox"/>
	480	WO	2004/071284	A1	08-26-2004	Mikkaichi et al.		<input type="checkbox"/>
	481	WO	2004/075787	A1	09-10-2004	Beulke et al.		<input type="checkbox"/>
	482	WO	2004/080313	A1	09-23-2004	Chu et al.		<input type="checkbox"/>
	483	WO	2004/084702	A2	10-07-2004	Whitin et al.		<input type="checkbox"/>

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			Filing Date	December 12, 2003	
			First Named Inventor	MICHLITSCH, KEN	
			Art Unit	3736	
			Examiner Name	Unassigned	
Sheet	13	of	13	Attorney Docket Number	021496-002512US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	484	ANGIOLINK, The Expanding Vascular Staple [brochure], 1 page total.	
	485	BLUETT et al., "Experimental Evaluation of Staple Lines in Gastric Surgery," <i>Arch. Surg.</i> , vol. 122, July 1987, pp. 772-776.	
	486	BROLIN et al., "Experimental Evaluation of Techniques of Gastric Partitioning for Morbid Obesity", <i>Surgery, Gynecology & Obstetrics</i> , vol. 153, Dec. 1981, pp. 878-882	
	487	JOHNSTON et al. "The Magenstrasse and Mill Operation of Morbid Obesity", <i>Obesity Surgery</i> 13, 2003, pp. 10-16.	
	488	OKUDAIRA et al., "The Healing and Tensile Strength of the Gastroplasty Staple Line," <i>The American Surgeon</i> , Oct. 1984, pp.564-568.	
	489	SURGICAL DYNAMICS INC., The S D sorb Meniscal Stapler [brochure] (1997), 3 pages total.	
	490	SUTURA, The Next Generation in Vascular Suturing Devices: SuperStitch [brochure], 2 pages total.	

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